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Jeffrey C. Hood Meyertons, Hood, Kivlin, Kowert & Goetzel PC P.O. Box 398 Austin, TX 78767			CHEN, QING	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/772,518	DYE ET AL.
	Examiner Qing Chen	Art Unit 2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 August 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-58 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-58 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20070625.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

1. This Office action is in response to the amendment filed on August 23, 2007.
2. **Claims 1-58** are pending.
3. **Claims 10, 41, 46, 47, 51, 53, and 58** have been amended.
4. The objection to the oath/declaration is maintained in view of Applicant's submission of the supplemental oath/declaration and further explained below.
5. The objection to the specification is withdrawn in view of Applicant's amendments to the specification.
6. The objections to Claims 10, 46, 47, 53, and 58 are withdrawn in view of Applicant's arguments and amendments to the claims.
7. The 35 U.S.C. § 112, second paragraph, rejections of Claims 22, 23, and 51-58 are withdrawn in view of Applicant's arguments and amendments to the claims. However, the 35 U.S.C. § 112, second paragraph, rejections of Claims 41 and 42 are maintained in view of Applicant's arguments and amendments to the claims and further explained below. Also, Applicant's amendments to the claims fail to fully address the rejection to Claim 53 due to insufficient antecedent bases. Accordingly, this rejection is maintained and further explained below.

Response to Amendment

Oath/Declaration

8. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Claim Objections

9. **Claims 22, 23, 41, and 47** are objected to because of the following informalities:

- **Claims 22 and 23** recite the limitation “the block diagram.” Applicant is advised to change this limitation to read “the block diagram portion” for the purpose of providing it with proper explicit antecedent basis.
- **Claim 41** contains a typographical error: “U40” should read -- 40 --.
- **Claim 47** contains a typographical error: the repeated semicolon “;” before the word “and” should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. **Claims 41, 42, and 53** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 41 and 42 recite the limitation “the block diagram.” There is insufficient antecedent basis for this limitation in the claims. Parent Claim 40 recites the limitation “a diagram portion,” but not “a block diagram” or “a block diagram portion.” In the interest of compact prosecution, the Examiner subsequently interprets this limitation as reading “a block diagram” for the purpose of further examination.

Claim 53 recites the limitations “the first computer” and “the second computer.” There are insufficient antecedent bases for these limitations in the claim. In the interest of compact prosecution, the Examiner subsequently interprets these limitations as reading “a first computer” and “a second computer,” respectively, for the purpose of further examination.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. **Claims 1-15, 18-20, 26-37, 45-56, and 58** are rejected under 35 U.S.C. 102(e) as being anticipated by Nichols et al. (US 6,138,150).

As per **Claim 1**, Nichols et al. disclose:

- receiving user input to the second computer, wherein said user input specifies the graphical program on the first computer (*see Column 3: 7-12, “A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server at which point additional security such as a password will be required. Upon entry of a correct password the Hardware Management Console (HMC) home-page will be displayed.”*);

- executing the graphical program on the first computer (*see Column 4: 23-26, “... a computing facility 21 comprising, for example, a mainframe computer system 22, comprising one or more CPCs, is operated from a local Hardware Management Console (HMC) in a central control room 24.”*);

- providing information describing the user interface of the graphical program to the second computer during said executing (*see Column 5: 59-62, "At Box 32, the server builds an HTML response for the browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34. "*); and
- displaying the user interface of the graphical program on the second computer after said providing; wherein the user interface facilitates interaction between a user of the second computer and the graphical program executing on the first computer (*see Column 5: 62-65, "The browser displays the data from the server on a computer screen at box 35 whereupon the user can click on a displayed icon or action button to initiate another browser request to the server at box 36. "*).

As per **Claim 2**, the rejection of **Claim 1** is incorporated; and Nichols et al. further disclose:

- wherein said providing information comprises the first computer providing information describing the user interface of the graphical program to the second computer during said executing (*see Column 5: 59-62, "At Box 32, the server builds an HTML response for the browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34. "*).

As per **Claim 3**, the rejection of **Claim 1** is incorporated; and Nichols et al. further disclose:

- the first computer providing information describing the user interface of the graphical program to a plurality of computers during said executing (see *Figure 2; Column 5: 59-62, "At Box 32, the server builds an HTML response for the browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34. "*); and
- each of the plurality of computers displaying the user interface of the graphical program after said providing (see *Figure 2; Column 5: 62-65, "The browser displays the data from the server on a computer screen at box 35 whereupon the user can click on a displayed icon or action button to initiate another browser request to the server at box 36. "*).

As per **Claim 4**, the rejection of **Claim 1** is incorporated; and Nichols et al. further disclose:

- wherein the graphical program executes to perform a measurement or automation function (see *Figure 6*).

As per **Claim 5**, the rejection of **Claim 1** is incorporated; and Nichols et al. further disclose:

- wherein the first computer and the second computer are connected over a network (see *Figure 2*); and
- wherein said providing comprises the first computer providing the information describing the user interface of the graphical program over the network to the second computer (see *Figure 2; Column 5: 59-62, "At Box 32, the server builds an HTML response for the*

browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34. ").

As per **Claim 6**, the rejection of **Claim 5** is incorporated; and Nichols et al. further disclose:

- the second computer connecting to the first computer over the network after said receiving user input to the second computer (*see Column 3: 7-12, "A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server ... ";*)
- wherein said providing information is performed after said user input specifying the graphical program on the first computer and after said connecting (*see Column 5: 59-62, "At Box 32, the server builds an HTML response for the browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34. ".*)

As per **Claim 7**, the rejection of **Claim 6** is incorporated; and Nichols et al. further disclose:

- wherein the graphical program is already executing on the first computer when said connecting occurs (*see Column 4: 23-26, "... a computing facility 21 comprising, for example, a mainframe computer system 22, comprising one or more CPCs, is operated from a local Hardware Management Console (HMC) in a central control room 24. ".*)

As per **Claim 8**, the rejection of **Claim 6** is incorporated; and Nichols et al. further disclose:

- the first computer launching execution of the graphical program in response to said connecting to the first computer (*see Column 4: 23-26, "... a computing facility 21 comprising, for example, a mainframe computer system 22, comprising one or more CPCs, is operated from a local Hardware Management Console (HMC) in a central control room 24. "*).

As per **Claim 9**, the rejection of **Claim 6** is incorporated; and Nichols et al. further disclose:

- wherein said receiving user input specifying the graphical program on the first computer comprises receiving a uniform resource locator (URL) (*see Column 3: 7-12, "A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server ... "*).

As per **Claim 10**, the rejection of **Claim 9** is incorporated; and Nichols et al. further disclose:

- wherein the URL specifies one of: the first computer or the graphical program on the first computer (*see Column 3: 7-12, "A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server ... "*).

As per **Claim 11**, the rejection of **Claim 5** is incorporated; and Nichols et al. further disclose:

- wherein the network is the Internet (*see Figure 2: 8*).

As per **Claim 12**, the rejection of **Claim 5** is incorporated; and Nichols et al. further disclose:

- wherein said displaying comprises displaying the user interface of the graphical program on a web browser of the second computer (*see Figure 2: 4; Column 4: 40-46, "The computer processors or devices to be controlled 22 are represented on the Web browser 4 via objects or icons where the background color of the icons are used to convey the operating state of the device. "*).

As per **Claim 13**, the rejection of **Claim 1** is incorporated; and Nichols et al. further disclose:

- receiving user input to the graphical program via the displayed user interface on the second computer (*see Column 6: 28-38, "Clicking on either one of these choices or icons prompts a security screen shown in FIG. 7 to be displayed. "*); and
- providing the user input to the first computer (*see Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser. "*);

- wherein the graphical program executing on the first computer is operable to respond to the user input (*see Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser. "*).

As per **Claim 14**, the rejection of **Claim 1** is incorporated; and Nichols et al. further disclose:

- wherein the graphical program produces a first output state (*see Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser. "*); and

- wherein said displaying the user interface includes displaying the user interface illustrating the first output state (*see Figure 6; Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser. "*).

As per **Claim 15**, the rejection of **Claim 14** is incorporated; and Nichols et al. further disclose:

- providing a user interface update indicating the second output state (*see Column 6: 39-41, "Clicking on the "Hardware Management Console Application Tasks" of FIG. 6 causes the screen shown in FIG. 8 to be displayed. "*); and

- updating the user interface displayed on the second computer in response to the user interface update (*see Figure 8; Column 6: 39-41, "Clicking on the "Hardware Management Console Application Tasks" of FIG. 6 causes the screen shown in FIG. 8 to be displayed. "*).

As per **Claim 18**, the rejection of **Claim 1** is incorporated; and Nichols et al. further disclose:

- wherein said specifying the graphical program comprises providing a uniform resource locator (URL) (*see Column 3: 7-12, “A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server ...”*).

As per **Claim 19**, the rejection of **Claim 1** is incorporated; and Nichols et al. further disclose:

- displaying information indicating a plurality of graphical programs on the first computer (*see Figure 9*);

- wherein, in specifying the graphical program on the first computer, the user input selects the graphical program from the plurality of graphical programs (*see Column 6: 62-67, “... clicking on a CPC of FIG. 9 loads a screen to the browser showing more detailed information useful to the operator ...”*).

As per **Claim 20**, the rejection of **Claim 19** is incorporated; and Nichols et al. further disclose:

- wherein said displaying information indicating a plurality of graphical programs on the first computer comprises displaying a list of the plurality of graphical programs on the first computer (*see Figure 9*); and

- wherein, in specifying the graphical program on the first computer, the user input selects the graphical program from the list of the plurality of graphical programs (see *Column 6: 62-67*, "... clicking on a CPC of FIG. 9 loads a screen to the browser showing more detailed information useful to the operator ...").

As per **Claim 26**, the rejection of **Claim 1** is incorporated; and Nichols et al. further disclose:

- wherein the graphical program comprises a graphical execution flow program (see *Figures 6-16*).

As per **Claim 27**, the rejection of **Claim 1** is incorporated; and Nichols et al. further disclose:

- wherein the graphical program implements a virtual instrument (see *Figure 8*); and
- wherein the user interface of the graphical program comprises a front panel of a virtual instrument (see *Figure 8*).

As per **Claim 28**, Nichols et al. disclose:

- a first computer including a processor coupled to a memory, wherein the first computer is operable to couple to a network (see *Figure 2: 8 and 20*);
- a graphical program stored in the memory of the first computer, wherein the graphical program comprises a plurality of interconnected function icons representing graphical data flow of a desired function (see *Figure 2: 4; Figure 9; Column 4: 40-46*, "The computer processors or

devices to be controlled 22 are represented on the Web browser 4 via objects or icons where the background color of the icons are used to convey the operating state of the device. "); and

- a second computer operable to couple to the network, wherein the second computer includes a display (see Figure 2: 4 and 8);
- wherein the second computer is operable to receive user input specifying the graphical program on the first computer (see Column 3: 7-12, "A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server at which point additional security such as a password will be required. Upon entry of a correct password the Hardware Management Console (HMC) home-page will be displayed.");
- wherein the first computer is operable to execute the graphical program and is operable to provide information describing a user interface of the graphical program over the network to the second computer during said executing (see Column 4: 23-26, "... a computing facility 21 comprising, for example, a mainframe computer system 22, comprising one or more CPCs, is operated from a local Hardware Management Console (HMC) in a central control room 24. "; Column 5: 59-62, "At Box 32, the server builds an HTML response for the browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34.");
- wherein the second computer is operable to receive the information describing the user interface and display the user interface of the graphical program in response to said providing (see Column 5: 62-65, "The browser displays the data from the server on a computer

screen at box 35 whereupon the user can click on a displayed icon or action button to initiate another browser request to the server at box 36. "); and

- wherein the user interface facilitates interaction between a user of the second computer and the graphical program executing on the first computer (*see Column 5: 62-65, "The browser displays the data from the server on a computer screen at box 35 whereupon the user can click on a displayed icon or action button to initiate another browser request to the server at box 36. ".*).

As per **Claim 29**, the rejection of **Claim 28** is incorporated; and Nichols et al. further disclose:

- wherein the second computer is operable to connect to the first computer over the network using the user input that specifies the graphical program on the first computer (*see Column 3: 7-12, "A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server ... ".*).

As per **Claim 30**, the rejection of **Claim 29** is incorporated; and Nichols et al. further disclose:

- wherein the first computer is operable to launch execution of the graphical program in response to the second computer connecting to the first computer (*see Column 4: 23-26, "... a computing facility 21 comprising, for example, a mainframe computer system 22, comprising one or more CPCs, is operated from a local Hardware Management Console (HMC) in a central control room 24. ".*).

As per **Claim 31**, the rejection of **Claim 29** is incorporated; and Nichols et al. further disclose:

- wherein said user input comprises a uniform resource locator (URL) (*see Column 3: 7-12, "A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server ... "*).

As per **Claim 32**, the rejection of **Claim 31** is incorporated; and Nichols et al. further disclose:

- wherein the URL specifies one or more of: the first computer or the graphical program on the first computer (*see Column 3: 7-12, "A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server ... "*).

As per **Claim 33**, the rejection of **Claim 28** is incorporated; and Nichols et al. further disclose:

- wherein the network is the Internet (*see Figure 2: 8*).

As per **Claim 34**, the rejection of **Claim 28** is incorporated; and Nichols et al. further disclose:

- wherein the second computer stores a web browser, wherein the web browser is executable on the second computer to display the user interface of the graphical program on the

second computer (*see Column 4: 30-36, "... a client 4 running a standard Web Browser can logon to a secure server 20 in order to monitor and control a remote computing device 22 ... "*).

As per **Claim 35**, the rejection of **Claim 28** is incorporated; and Nichols et al., further disclose:

- wherein the second computer is operable to receive user input to the graphical program via the displayed user interface on the second computer (*see Column 6: 28-38, "Clicking on either one of these choices or icons prompts a security screen shown in FIG. 7 to be displayed."*);

- wherein the second computer is operable to provide the user input to the first computer (*see Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser."*); and

- wherein the graphical program executing on the first computer is operable to respond to the user input (*see Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser."*).

As per **Claim 36**, the rejection of **Claim 28** is incorporated; and Nichols et al., further disclose:

- wherein the graphical program is executable to produce a first output state (*see Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser."*); and

- wherein the second computer is operable to display the first output state in the user interface (*see Figure 6; Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser."*).

As per **Claim 37**, the rejection of **Claim 36** is incorporated; and Nichols et al. further disclose:

- wherein the graphical program is executable to produce a second output state after the graphical program produces the first output state (*see Column 6: 39-41, "Clicking on the "Hardware Management Console Application Tasks" of FIG. 6 causes the screen shown in FIG. 8 to be displayed."*);

- wherein the first computer is operable to provide a user interface update indicating the second output state (*see Column 6: 39-41, "Clicking on the "Hardware Management Console Application Tasks" of FIG. 6 causes the screen shown in FIG. 8 to be displayed."*); and

- wherein the second computer is operable to update the user interface displayed on the second computer in response to the user interface update (*see Figure 8; Column 6: 39-41, "Clicking on the "Hardware Management Console Application Tasks" of FIG. 6 causes the screen shown in FIG. 8 to be displayed."*).

As per **Claim 45**, the rejection of **Claim 28** is incorporated; and Nichols et al. further disclose:

- wherein the graphical program comprises a graphical execution flow program (*see Figures 6-16*).

As per **Claim 46**, the rejection of **Claim 28** is incorporated; and Nichols et al. further disclose:

- wherein the graphical program implements a virtual instrument (*see Figure 8*); and
- wherein the user interface of the graphical program comprises a front panel of the virtual instrument (*see Figure 8*).

As per **Claim 47**, the rejection of **Claim 28** is incorporated; and Nichols et al. further disclose:

- a plurality of second computers each operable to couple to the network, wherein each of the plurality of second computers includes a display (*see Figure 2*);
- wherein the first computer is operable to execute the graphical program and is operable to provide information describing a user interface of the graphical program over the network to each of the plurality of second computers during said executing (*see Column 5: 59-62, "At Box 32, the server builds an HTML response for the browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34. "*); and

- wherein each of the plurality of second computers is operable to receive the information describing the user interface and display the user interface of the graphical program in response to said providing (*see Column 5: 62-65, "The browser displays the data from the server on a computer screen at box 35 whereupon the user can click on a displayed icon or action button to initiate another browser request to the server at box 36. "*).

As per **Claim 48**, the rejection of **Claim 28** is incorporated; and Nichols et al. further disclose:

- wherein the graphical program is executable to perform a measurement or automation function (*see Figure 6*).

As per **Claim 49**, the rejection of **Claim 28** is incorporated; and Nichols et al. further disclose:

- wherein the second computer is operable to display information indicating a plurality of graphical programs on the first computer (*see Figure 9*); and
- wherein, in specifying the graphical program on the first computer, the user input selects the graphical program from the plurality of graphical programs (*see Column 6: 62-67, "... clicking on a CPC of FIG. 9 loads a screen to the browser showing more detailed information useful to the operator ... "*).

As per **Claim 50**, the rejection of **Claim 49** is incorporated; and Nichols et al. further disclose:

- wherein, in displaying information indicating a plurality of graphical programs on the first computer, the second computer is operable to display a list of the plurality of graphical programs on the first computer (*see Figure 9*); and
- wherein, in specifying the graphical program on the first computer, the user input selects the graphical program from the list of the plurality of graphical programs (*see Column 6:*

62-67, "... clicking on a CPC of FIG. 9 loads a screen to the browser showing more detailed information useful to the operator ...").

As per **Claim 51**, Nichols et al. disclose:

- establish a network connection with client software over a network (see *Column 3: 7-12, "A user logs on to the Internet in a conventional manner ... "*);
 - receive user input from the client software specifying a graphical program for execution (see *Column 3: 7-12, "A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server at which point additional security such as a password will be required. Upon entry of a correct password the Hardware Management Console (HMC) home-page will be displayed. "*);
 - execute the graphical program, wherein the graphical program comprises a plurality of interconnected function icons representing graphical data flow of a desired function (see *Column 4: 23-26, "... a computing facility 21 comprising, for example, a mainframe computer system 22, comprising one or more CPCs, is operated from a local Hardware Management Console (HMC) in a central control room 24.*"); and
 - send information describing a user interface of the graphical program over a network to the client software after establishing the network connection with the client software (see *Column 5: 59-62, "At Box 32, the server builds an HTML response for the browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34.*");

- wherein the user interface is operable to facilitate interaction between a user and the graphical program over a network (*see Column 5: 62-65, “The browser displays the data from the server on a computer screen at box 35 whereupon the user can click on a displayed icon or action button to initiate another browser request to the server at box 36.”*).

As per **Claim 52**, the rejection of **Claim 51** is incorporated; and Nichols et al. further disclose:

- display information indicating a plurality of graphical programs (*see Figure 9*); and
- wherein, in specifying the graphical program for execution, the user input selects the graphical program from the plurality of graphical programs (*see Column 6: 62-67, “... clicking on a CPC of FIG. 9 loads a screen to the browser showing more detailed information useful to the operator ...”*).

As per **Claim 53**, the rejection of **Claim 52** is incorporated; and Nichols et al. further disclose:

- wherein, in displaying information indicating a plurality of graphical programs on a first computer, a second computer is operable to display a list of the plurality of graphical programs on a first computer (*see Figure 9*); and
- wherein, in specifying the graphical program on a first computer, the user input selects the graphical program from the list of the plurality of graphical programs (*see Column 6: 62-67, “... clicking on a CPC of FIG. 9 loads a screen to the browser showing more detailed information useful to the operator ...”*).

As per **Claim 54**, the rejection of **Claim 51** is incorporated; and Nichols et al. further disclose:

- receive user input to the graphical program from the client software (*see Column 6: 28-38, "Clicking on either one of these choices or icons prompts a security screen shown in FIG. 7 to be displayed. "*); and
- provide the user input to the graphical program (*see Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser. "*);
- wherein the graphical program is operable to respond to the user input (*see Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser. "*).

As per **Claim 55**, the rejection of **Claim 51** is incorporated; and Nichols et al. further disclose:

- wherein the graphical program produces a first output state (*see Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser. "*); and
- wherein said sending information describing a user interface of the graphical program comprises sending information indicative of the first output state (*see Figure 6; Column 6: 28-38, "Upon entry of a correct user name and password, the secure server will build and send the appropriate response screen to the browser. "*).

As per **Claim 56**, the rejection of **Claim 55** is incorporated; and Nichols et al. further disclose:

- wherein the graphical program produces a second output state after the graphical program produces the first output state (*see Column 6: 39-41, "Clicking on the "Hardware Management Console Application Tasks" of FIG. 6 causes the screen shown in FIG. 8 to be displayed."*); and
- wherein the memory medium further comprises program instructions executable to send a user interface update indicating the second output state to the client software (*see Figure 8; Column 6: 39-41, "Clicking on the "Hardware Management Console Application Tasks" of FIG. 6 causes the screen shown in FIG. 8 to be displayed."*).

As per **Claim 58**, the rejection of **Claim 51** is incorporated; and Nichols et al. further disclose:

- establish a network connection with client software associated with a plurality of client computer systems (*see Figure 2; Column 3: 7-12, "A user logs on to the Internet in a conventional manner ... "*); and
- send information describing a user interface of the graphical program over a network to the client software of each of the plurality of client computer systems after establishing the network connection with the client software of each of the plurality of client computer systems (*see Column 5: 59-62, "At Box 32, the server builds an HTML response for the browser, using*

the information from the internal message returned from Box 31 and the response is sent to the browser at box 34. ").

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 16, 17, 21-25, 38-44, and 57** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols et al. (US 6,138,150) in view of Kodosky et al. (US 4,901,221).

As per **Claim 16**, the rejection of **Claim 1** is incorporated; however, Nichols et al. do not disclose:

- providing information regarding a block diagram of the graphical program; and
- displaying the block diagram on the second computer, using the information

regarding the block diagram.

Kodosky et al. disclose:

- providing information regarding a block diagram of the graphical program (see *Column 14: 55-58, "FIGS. 20a-l illustrate computer screen displays during each successive step in a construction of an exemplary block diagram using a block diagram editor such as that of FIGS. 2 or 4. ";* and

- displaying the block diagram on the second computer, using the information

regarding the block diagram (*see Figure 22; Column 17: 15-21, “FIG. 22 shows a drawing of a computer-generated display of a completed block diagram for the design example of FIG. 21. This block diagram is the graphical program representing the instrument's operation.”*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include providing information regarding a block diagram of the graphical program; and displaying the block diagram on the second computer, using the information regarding the block diagram. The modification would be obvious because one of ordinary skill in the art would be motivated to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system (*see Kodosky et al. – Column 3: 22-25*).

As per **Claim 17**, the rejection of **Claim 16** is incorporated; and Nichols et al. further disclose:

- providing the user input specifying the edit to the first computer (*see Column 7: 27-30, “... the refresh period is settable by the user so that it can be tailored to the environment and usual response time.”*);
- wherein the first computer is operable to edit the graphical program according to the user input specifying the edit (*see Column 7: 30-33, “The secure server remembers the refresh rate setting by userid and IP address so that a user can customize refresh rate based on both office and home connections.”*).

However, Nichols et al. do not disclose:

- receiving user input specifying an edit to the block diagram.

Kodosky et al. disclose:

- receiving user input specifying an edit to the block diagram (*see Column 18: 47-51*,

"FIG. 25 shows the EDIT menu selections ... CLEAR is useful for removing items from the active window, e.g., selected wires and structures from the block diagram window, or controls from the front panel window. ".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include receiving user input specifying an edit to the block diagram. The modification would be obvious because one of ordinary skill in the art would be motivated to provide more efficient means for implementing instrumentation systems (*see Kodosky et al. – Column 2: 21-23*).

As per **Claim 21**, the rejection of **Claim 1** is incorporated; however, Nichols et al. do not disclose:

- wherein the graphical program includes a block diagram portion and a user interface portion; and
- wherein said executing the graphical program on the first computer comprises executing the block diagram portion of the graphical program on the first computer.

Kodosky et al. disclose:

- wherein the graphical program includes a block diagram portion and a user interface portion (*see Figure 3: 40*); and

- wherein said executing the graphical program on the first computer comprises executing the block diagram portion of the graphical program on the first computer (*see Column 17: 63-68, "To execute the instrument, the user simply configures the input controls and "clicks" the GO button on the top of the screen ... "*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include wherein the graphical program includes a block diagram portion and a user interface portion; and wherein said executing the graphical program on the first computer comprises executing the block diagram portion of the graphical program on the first computer. The modification would be obvious because one of ordinary skill in the art would be motivated to provide more efficient means for implementing instrumentation systems (*see Kodosky et al. – Column 2: 21-23*).

As per **Claim 22**, the rejection of **Claim 21** is incorporated; however, Nichols et al. do not disclose:

- wherein the user interface of the graphical program comprises at least one input variable icon for providing inputs to the block diagram portion and at least one output variable icon for displaying outputs produced by the block diagram portion.

Kodosky et al. disclose:

- wherein the user interface of the graphical program comprises at least one input variable icon for providing inputs to the block diagram portion and at least one output variable icon for displaying outputs produced by the block diagram portion (*see Column 8: 13-19, "The*

virtual instrument 40 also includes a block diagram 46 which graphically provides a visual representation of a procedure by which a specified value for an input variable displayed in the front panel 42 can produce a corresponding value for an output variable in the front panel 42. ").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include wherein the user interface of the graphical program comprises at least one input variable icon for providing inputs to the block diagram portion and at least one output variable icon for displaying outputs produced by the block diagram portion. The modification would be obvious because one of ordinary skill in the art would be motivated to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system (*see Kodosky et al. – Column 3: 22-25*).

As per **Claim 23**, the rejection of **Claim 22** is incorporated; however, Nichols et al. do not disclose:

- the user manipulating inputs of at least one input variable on the second computer;
- providing inputs of at least one input variable to the first computer;
- the block diagram portion executing using the inputs of at least one input variable on the second computer;
- the block diagram portion generating an output of at least one output variable;
- providing the output of at least one output variable to the second computer; and
- displaying the output of at least one output variable on the second computer.

Kodosky et al. disclose:

- the user manipulating inputs of at least one input variable on the second computer

(see Column 8: 52-53, “*FIG. 5 shows a circular turn-dial and a slide switch for setting input variable data.*”);

- providing inputs of at least one input variable to the first computer (see Column 8:

52-53, “*FIG. 5 shows a circular turn-dial and a slide switch for setting input variable data.*”);

- the block diagram portion executing using the inputs of at least one input variable on

the second computer (see Column 13: 47-55, “*... execution instructions can be constructed by*

constructing a visual display in which at least one input variable produces at least output

variable according to a displayed procedure.”);

- the block diagram portion generating an output of at least one output variable (see

Column 13: 47-55, “*... execution instructions can be constructed by constructing a visual*

display in which at least one input variable produces at least output variable according to a

displayed procedure.”);

- providing the output of at least one output variable to the second computer (see

Column 13: 47-55, “*... the execution instructions are constructed such that, when a value is*

assigned to a particular input variable, a value for a corresponding output variable is produced

substantially according to the procedure illustrated in the visual display.”); and

- displaying the output of at least one output variable on the second computer (see

Column 13: 47-55, “*... the execution instructions are constructed such that, when a value is*

assigned to a particular input variable, a value for a corresponding output variable is produced

substantially according to the procedure illustrated in the visual display.”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include the user manipulating inputs of at least one input variable on the second computer; providing inputs of at least one input variable to the first computer; the block diagram portion executing using the inputs of at least one input variable on the second computer; the block diagram portion generating an output of at least one output variable; providing the output of at least one output variable to the second computer; and displaying the output of at least one output variable on the second computer. The modification would be obvious because one of ordinary skill in the art would be motivated to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system (*see Kodosky et al. – Column 3: 22-25*).

As per **Claim 24**, the rejection of **Claim 1** is incorporated; however, Nichols et al. do not disclose:

- wherein the graphical program comprises a graphical data flow program.

Kodosky et al. disclose:

- wherein the graphical program comprises a graphical data flow program (*see Column 9: 33-36, “The structures represented in FIGS. 8-12 substantially facilitate the application of data flow programming techniques which are used in the preferred embodiments of the present invention.”*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include wherein the graphical program comprises a graphical data flow program. The

modification would be obvious because one of ordinary skill in the art would be motivated to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system (see Kodosky et al. – Column 3: 22-25).

As per **Claim 25**, the rejection of **Claim 1** is incorporated; however, Nichols et al. do not disclose:

- wherein the graphical program comprises a graphical control flow program.

Kodosky et al. disclose:

- wherein the graphical program comprises a graphical control flow program (see *Column 9: 36-42, “FIG. 8 illustrates a sequence structure. FIG. 9 illustrates an iterative loop structure. FIG. 10 illustrates a conditional structure ...”*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include wherein the graphical program comprises a graphical control flow program. The modification would be obvious because one of ordinary skill in the art would be motivated to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system (see Kodosky et al. – Column 3: 22-25).

As per **Claim 38**, the rejection of **Claim 28** is incorporated; however, Nichols et al. do not disclose:

- wherein the first computer is operable to provide information regarding a block diagram associated with the graphical program; and

- wherein the second computer is operable to display the block diagram on the display of the second computer, using the information regarding the block diagram.

Kodosky et al. disclose:

- wherein the first computer is operable to provide information regarding a block diagram associated with the graphical program (*see Column 14: 55-58, "FIGS. 20a-l illustrate computer screen displays during each successive step in a construction of an exemplary block diagram using a block diagram editor such as that of FIGS. 2 or 4. "*); and
- wherein the second computer is operable to display the block diagram on the display of the second computer, using the information regarding the block diagram (*see Figure 22; Column 17: 15-21, "FIG. 22 shows a drawing of a computer-generated display of a completed block diagram for the design example of FIG. 21. This block diagram is the graphical program representing the instrument's operation. "*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include wherein the first computer is operable to provide information regarding a block diagram associated with the graphical program; and wherein the second computer is operable to display the block diagram on the display of the second computer, using the information regarding the block diagram. The modification would be obvious because one of ordinary skill in the art would be motivated to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system (*see Kodosky et al. – Column 3: 22-25*).

As per **Claim 39**, the rejection of **Claim 38** is incorporated; and Nichols et al. further disclose:

- wherein the second computer is operable to provide the user input specifying the edit to the first computer (*see Column 7: 27-30, "... the refresh period is settable by the user so that it can be tailored to the environment and usual response time."*); and
- wherein the first computer is operable to edit the graphical program according to the user input specifying the edit (*see Column 7: 30-33, "The secure server remembers the refresh rate setting by userid and IP address so that a user can customize refresh rate based on both office and home connections."*).

However, Nichols et al. do not disclose:

- wherein the second computer is operable to receive user input specifying an edit to the block diagram.

Kodosky et al. disclose:

- wherein the second computer is operable to receive user input specifying an edit to the block diagram (*see Column 18: 47-51, "FIG. 25 shows the EDIT menu selections ... CLEAR is useful for removing items from the active window, e.g., selected wires and structures from the block diagram window, or controls from the front panel window. "*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include wherein the second computer is operable to receive user input specifying an edit to the block diagram. The modification would be obvious because one of ordinary skill in the art

would be motivated to provide more efficient means for implementing instrumentation systems (see Kodosky et al. – Column 2: 21-23).

As per **Claim 40**, the rejection of **Claim 28** is incorporated; however, Nichols et al. do not disclose:

- wherein the graphical program includes a diagram portion and a user interface portion; and
- wherein the first computer is operable to execute the diagram portion of the graphical program.

Kodosky et al. disclose:

- wherein the graphical program includes a diagram portion and a user interface portion (see *Figure 3: 40*); and
- wherein the first computer is operable to execute the diagram portion of the graphical program (see *Column 17: 63-68*, “*To execute the instrument, the user simply configures the input controls and "clicks" the GO button on the top of the screen ...*”).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include wherein the graphical program includes a diagram portion and a user interface portion; and wherein the first computer is operable to execute the diagram portion of the graphical program. The modification would be obvious because one of ordinary skill in the art would be motivated to provide more efficient means for implementing instrumentation systems (see Kodosky et al. – Column 2: 21-23).

As per **Claim 41**, the rejection of **Claim 40** is incorporated; however, Nichols et al. do not disclose:

- wherein the user interface of the graphical program comprises at least one input variable icon for providing inputs to a block diagram and at least one output variable icon for displaying outputs produced by a block diagram.

Kodosky et al. disclose:

- wherein the user interface of the graphical program comprises at least one input variable icon for providing inputs to a block diagram and at least one output variable icon for displaying outputs produced by a block diagram (*see Column 8: 13-19, "The virtual instrument 40 also includes a block diagram 46 which graphically provides a visual representation of a procedure by which a specified value for an input variable displayed in the front panel 42 can produce a corresponding value for an output variable in the front panel 42."*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include wherein the user interface of the graphical program comprises at least one input variable icon for providing inputs to a block diagram and at least one output variable icon for displaying outputs produced by a block diagram. The modification would be obvious because one of ordinary skill in the art would be motivated to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system (*see Kodosky et al. – Column 3: 22-25*).

As per **Claim 42**, the rejection of **Claim 41** is incorporated; however, Nichols et al. do not disclose:

- wherein the second computer is operable to receive user input manipulating inputs of at least one input variable on the second computer;
- wherein the first computer is operable to receive inputs of at least one input variable;
- wherein a block diagram is operable to execute using the inputs of at least one input variable on the second computer;
- wherein a block diagram is operable to generate an output of at least one output variable;
- wherein the second computer is operable to receive the output of at least one output variable; and
- wherein the second computer is operable to display the output of at least one output variable.

Kodosky et al. disclose:

- wherein the second computer is operable to receive user input manipulating inputs of at least one input variable on the second computer (*see Column 8: 52-53, "FIG. 5 shows a circular turn-dial and a slide switch for setting input variable data."*);
- wherein the first computer is operable to receive inputs of at least one input variable (*see Column 8: 52-53, "FIG. 5 shows a circular turn-dial and a slide switch for setting input variable data."*);
- wherein a block diagram is operable to execute using the inputs of at least one input variable on the second computer (*see Column 13: 47-55, "... execution instructions can be*

constructed by constructing a visual display in which at least one input variable produces at least output variable according to a displayed procedure. ");

- wherein a block diagram is operable to generate an output of at least one output variable (see Column 13: 47-55, "... execution instructions can be constructed by constructing a visual display in which at least one input variable produces at least output variable according to a displayed procedure. ");
- wherein the second computer is operable to receive the output of at least one output variable (see Column 13: 47-55, "... the execution instructions are constructed such that, when a value is assigned to a particular input variable, a value for a corresponding output variable is produced substantially according to the procedure illustrated in the visual display. "); and
- wherein the second computer is operable to display the output of at least one output variable (see Column 13: 47-55, "... the execution instructions are constructed such that, when a value is assigned to a particular input variable, a value for a corresponding output variable is produced substantially according to the procedure illustrated in the visual display. ").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include wherein the second computer is operable to receive user input manipulating inputs of at least one input variable on the second computer; wherein the first computer is operable to receive inputs of at least one input variable; wherein a block diagram is operable to execute using the inputs of at least one input variable on the second computer; wherein a block diagram is operable to generate an output of at least one output variable; wherein the second computer is operable to receive the output of at least one output variable; and wherein the second computer is

operable to display the output of at least one output variable. The modification would be obvious because one of ordinary skill in the art would be motivated to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system (*see Kodosky et al. – Column 3: 22-25*).

As per **Claim 43**, the rejection of **Claim 28** is incorporated; however, Nichols et al. do not disclose:

- wherein the graphical program comprises a graphical data flow program.

Kodosky et al. disclose:

- wherein the graphical program comprises a graphical data flow program (*see Column 9: 33-36, “The structures represented in FIGS. 8-12 substantially facilitate the application of data flow programming techniques which are used in the preferred embodiments of the present invention.”*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include wherein the graphical program comprises a graphical data flow program. The modification would be obvious because one of ordinary skill in the art would be motivated to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system (*see Kodosky et al. – Column 3: 22-25*).

As per **Claim 44**, the rejection of **Claim 28** is incorporated; however, Nichols et al. do not disclose:

- wherein the graphical program comprises a graphical control flow program.

Kodosky et al. disclose:

- wherein the graphical program comprises a graphical control flow program (see *Column 9: 36-42, "FIG. 8 illustrates a sequence structure. FIG. 9 illustrates an iterative loop structure. FIG. 10 illustrates a conditional structure ... "*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include wherein the graphical program comprises a graphical control flow program. The modification would be obvious because one of ordinary skill in the art would be motivated to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system (see Kodosky et al. – *Column 3: 22-25*).

As per **Claim 57**, the rejection of **Claim 51** is incorporated; and Nichols et al. further disclose:

- send information associated with the graphical program to the client software (see *Column 5: 59-62, "At Box 32, the server builds an HTML response for the browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34. "*).

However, Nichols et al. do not disclose:

- information regarding a block diagram.

Kodosky et al. disclose:

- information regarding a block diagram (*see Column 14: 55-58, "FIGS. 20a-l illustrate computer screen displays during each successive step in a construction of an exemplary block diagram using a block diagram editor such as that of FIGS. 2 or 4. "*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kodosky et al. into the teaching of Nichols et al. to include information regarding a block diagram. The modification would be obvious because one of ordinary skill in the art would be motivated to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system (*see Kodosky et al. – Column 3: 22-25*).

Response to Arguments

16. Applicant's arguments filed on August 23, 2007 have been fully considered, but they are not persuasive.

In the remarks, Applicant argues that:

a) Nowhere does Nichols teach or suggest receiving user input to the second computer, wherein said user input specifies the graphical program on the first computer, wherein the graphical program comprises a plurality of interconnected function icons representing graphical data flow of a desired function, as recited in claim 1.

Cited col.3:7-12 reads:

A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server at which point additional security such as a password will be required. Upon entry of a

correct password the Hardware Management Console (HMC) home-page will be displayed.

Applicant respectfully notes that the cited text makes no mention of a user specifying a graphical program as claimed. Rather, the cited text describes the user connecting to a server by specifying an address or URL, and logging on to a hardware management console home-page, which is not a graphical program, and which is nowhere described in Nichols as a graphical program. As Nichols makes clear in the Abstract, the hardware management console is a web-hosted graphical interface for managing computer hardware components of a mainframe computer, where color-coded hardware component icons indicate the status of each component. Applicant respectfully notes that such a diagram of computer components is not a graphical program, and is not described as such in Nichols. In fact, Nichols nowhere teaches or suggests or even hints at a graphical program as claimed, i.e., comprising a plurality of interconnected function icons representing graphical data flow of a desired function, and nowhere mentions graphical data flow at all. Nichols describes the displayed icons thusly: "Each icon displayed under the banner represents a hardware view or an operating system view for the mainframe" (col.6:46-48).

Examiner's response:

- a) Examiner disagrees with Applicant's assertion that the hardware management console of Nichols et al. is not a graphical program. As noted by the Applicant, the hardware management console is a web-hosted graphical interface for managing computer hardware components of a

mainframe computer comprising icons, which a user can click on to monitor and control the mainframe computer. The hardware management console is clearly a graphical program.

Furthermore, the recitation of the claim limitation “a plurality of interconnected function icons representing graphical data flow of a desired function” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In the remarks, Applicant argues that:

b) Nowhere does Nichols teach or suggest **executing the graphical program on the first computer**, as recited in claim 1.

Cited col.4:23-26 reads:

Conventionally, a computing facility 21 comprising, for example, a mainframe computer system 22, comprising one or more CPCs, is operated from a local Hardware Management Console (HMC) in a central control room 24.

Applicant respectfully notes that the cited text makes no mention of executing a graphical program as claimed. Rather, the cited text describes operating a mainframe computer from the hardware management console, which, as noted above, is a web- hosted graphical interface for managing computer hardware components of a mainframe computer, where color-coded hardware component icons indicate the status of each component, and is not a graphical program

as claimed. Nichols nowhere teaches or suggests or even hints at executing a graphical program as claimed, i.e., comprising a plurality of interconnected function icons representing graphical data flow of a desired function.

Examiner's response:

b) Examiner disagrees. Nichols et al. clearly disclose executing the graphical program on the first computer. As disclosed by Nichols et al., a computing facility comprising, for example, a mainframe computer system (first computer), comprising one or more CPCs, is operated (executed) from a local Hardware Management Console (HMC) (graphical program) in a central control room.

In the remarks, Applicant argues that:

c) Nowhere does Nichols teach or suggest **providing information describing the user interface of the graphical program to the second computer during said executing**, as recited in claim 1.

Cited col.5:59-62 reads:

At Box 32, the server builds an HTML response for the browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34.

Applicant respectfully notes that the cited text makes no mention of information describing a user interface of a graphical program to a second computer as claimed. Rather, the cited text describes a server generating an HTML response for a browser and sending the response to the browser. Nichols nowhere describes this HTML response as describing a user

interface for a graphical program, nor providing information describing a user interface of a graphical program to a second computer during execution of the graphical program.

Examiner's response:

c) Examiner disagrees. Nichols et al. clearly disclose providing information describing the user interface of the graphical program to the second computer during said executing. Note that the HTML response provides information for the browser, which displays the data from the server on a computer screen whereupon the user can click on a displayed icon or action button to initiate another browser request to the server (*see Column 5: 59-65*).

In the remarks, Applicant argues that:

d) Nowhere does Nichols teach or suggest **displaying the user interface of the graphical program on the second computer after said providing; wherein the user interface facilitates interaction between a user of the second computer and the graphical program executing on the first computer**, as recited in claim 1.

Cited col.5:62-65 reads:

The browser displays the data from the server on a computer screen at box 35 whereupon the user can click on a displayed icon or action button to initiate another browser request to the server at box 36.

Applicant respectfully notes that the cited text makes no mention of displaying a user interface of a graphical program on a second computer as claimed. Rather, the cited text simply describes a browser displaying data received from a server on a computer screen. Nichols nowhere describes displaying a user interface on a second computer for a graphical program

running on a first computer, where the user interface facilitates interaction between a user of the second computer and the graphical program executing on the first computer. Rather, Nichols discloses the user interacting with a mainframe computer from another computer via a graphical user interface, specifically, the hardware management console (HMC). Applicant respectfully notes that none of the HMC, the mainframe computer, or the browser display is a graphical program as claimed.

Examiner's response:

d) Examiner disagrees. Nichols et al. clearly disclose displaying a user interface of a graphical program on a second computer. As noted by the Applicant, the user interacts with a mainframe computer from another computer via a graphical user interface, specifically, the hardware management console (HMC). Note that the hardware management console is displayed on the user computer via a browser to monitor and control the mainframe computer.

In the remarks, Applicant argues that:

e) Applicant has reviewed the citations, and Kodosky in general, closely, and respectfully notes that Kodosky's display of the block diagram is described as occurring on the same computer upon which the graphical program (block diagram) resides, and thus, Applicant respectfully submits that Kodosky actually teaches away from Applicant's invention as represented in claim 16. Moreover, neither Nichols nor Kodosky discloses or even hints at displaying a block diagram of a graphical program on a different computer than that upon which the block diagram resides.

Examiner's response:

e) Examiner would like to point out that Kodosky et al. are relied upon solely for the rejections of the particular claim limitations "providing information regarding a block diagram of the graphical program" and "displaying the block diagram using the information regarding the block diagram," which Kodosky et al. clearly disclose (*see Figure 22; Column 14: 55-58, FIGS. 20a-l illustrate computer screen displays during each successive step in a construction of an exemplary block diagram using a block diagram editor such as that of FIGS. 2 or 4.*"; *Column 17: 15-21, "FIG. 22 shows a drawing of a computer-generated display of a completed block diagram for the design example of FIG. 21. This block diagram is the graphical program representing the instrument's operation.*").

In the remarks, Applicant argues that:

f) The suggested motivation, "to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system", is simply a statement of presumed benefit of Applicant's claimed invention, using claim 16 as a blueprint, which is improper. Additionally, this motivation to combine is never suggested or even hinted at in Nichols or Kodosky. Applicant further notes that the suggested motivation to combine could apply to any technique that utilizes parallelism, and so is not "clear and particular" with respect to the subject matter of claim 16. Thus, Nichols and Kodosky are not available for use in combination to make a *prima facie* case of obviousness.

Examiner's response:

f) Examiner disagrees. The suggested motivation for designing a block diagram clearly comes from the prior art (*see Kodosky et al.* – Column 3: 22-25). Furthermore, the fields of graphical programming and remote program interaction/execution are both well-known concepts within the computing art as supported by Nichols et al. and Kodosky et al. One of ordinary skill in the art would be motivated to combine the teachings of Nichols et al. and Kodosky et al. to substitute one type of graphical program with another type of graphical program.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The

Art Unit: 2191

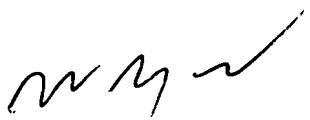
Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM.

The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WEI ZHEN
SUPERVISORY PATENT EXAMINER

QC / *qc*
September 2, 2007